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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,812	01/21/2004	Joseph P. Baumgartner	UV-259	6195
75563 7590 09/23/2008				
ROPES & GRAY LLP				
PATENT DOCKETING 39/361				
1211 AVENUE OF THE AMERICAS				
NEW YORK, NY 10036-8704				
EXAMINER				
LIN, JASON K				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
09/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/762,812

Applicant(s)

BAUMGARTNER ET AL.

Examiner

JASON K. LIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-81 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to amendment of application No. 10/762,812 filed on 07/03/2008. **Claims 1-84** are pending and have been examined.

Information Disclosure Statement

2. The information disclosure statement (IDS) filed on 07/09/2008 is considered.

Response to Arguments

Applicant's arguments filed 07/03/2008 have been fully considered but they are not persuasive.

On P.4: line 27 - P.5: line 8, the applicant asserts that the examiner provides two unsupported statements regarding Rosetti: "[o]nly recorded programs from the past can be played back from the recording source, and unrecorded programs from the past cannot be played back to the user." Rosetti does not show or suggest either of the foregoing statements and, furthermore, the Examiner fails indicate or provide support for either statement..."

In response the examiner respectfully disagrees. There is adequate support for the examiner's statement. In the rejection the examiner has also cited Paragraph 0041 of Rosetti which teaches playback of recorded programming content. In the system of Rosetti only a broadcast system and a VDVR system is described that plays programming to the user. In the cited Paragraph 0041 teaches the playback of recorded video content from the VDVR server which has recorded. Furthermore, Paragraph 0036 of Rosetti also

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teaches "for those programs which were broadcast and recorded (e.g., program 441), the user may select one such program in IPG 400... and start reviewing it by pressing a "play" key on the remote control." The system of Rosetti clearly teaches only the playback of past broadcast programs that were recorded by the VDVR. In Rosetti, programming comes from two sources, either from the time of broadcast or recorded programming via the VDVR. Therefore, Rosetti implicitly if not explicitly teaches a system where past broadcast programs that are not recorded are not played back to the user (not available for viewing) since there is no functional system in Rosetti that would allow it otherwise do so. Therefore, there is adequate support for the examiner's statement. The examiner would also like to point out that the applicant's specifications on Paragraph 0012: lines 28-61 also suggests that "Other previously broadcast programs that are no longer available for viewing because, for example, the program was not recorded..."

On P.4: lines 18-26, the applicant asserts that "First, applicants respectfully submit that Rosetti does not show or suggest that either its shading or asterisk is indicative of a program that is 'no longer available for viewing.'... it does not show or suggest that either indicator relates to programs that are no longer available for viewing." In addition on P.5: lines 9-24, the applicant further asserts that "Finally, the only way a user could be informed using the Rosetti system that a past program is no longer available for viewing, as required by applicants' claims, would be by combining the shading indicator with the asterisk... (1) first identify that the program is in the past (using the shading

indicator), (2) make a determination (by the absence of an asterisk) that the program was not recorded, and (3) assume, without basis, that such a program is no longer available for viewing. Applicant's claimed invention reduces this burden on the user by having the system (instead of the user) make this determination and, furthermore, inform the user by way of a specific indicator that the past, unrecorded program is no longer available for viewing."

In response the examiner respectfully disagrees. Please see examiner's response above regarding past programs that are no longer available for viewing. For sake of argument, in any system a user should be aware of the functions and capabilities of the system. If not, one would be arguing exactly what an average user would be aware and knowledgeable of in being able to recognize the functions or indicators of a particular system. In the Rosetti system, there are only two disclosed ways of being able to play programming, namely via at the start time of the broadcast of the program and playback of the programming via the VDVR. Past programs are indicated by a shaded cell, and as can be seen in 441-Fig.1, programs that has passed and have been recorded are indicated by both a "*" and a shaded cell, allowing the users to identify the past recorded programs. In this way the user is able to readily identify that shaded programs with a "*" are programs that are available for viewing. Users would also know that only current broadcast programs (not shaded) can be viewed, and past recorded programs (shaded programs with a "*") can be viewed via the VDVR. Users would also be aware that since these are the only two ways in which programming is transmitted and viewed by the user at that particular point

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in time, they would be able to readily identify shaded programs without the "" to be programs that are not available for viewing. Further, in response to applicant's statement "claimed invention reduces this burden on the user by having the system (instead of the user) make this determination" is not explicitly claimed. The claims only call for "wherein at least one cell includes an indicator that indicates the past, unrecorded program is no longer available for viewing by the user." In its broadest reasonable interpretation this can be any type of indicator that will at least visually separate the program no longer available for viewing by the user from other programs that are shown. Rosetti's system as seen on Fig.4 and Paragraph 0030 does in fact accomplish this. Purely shaded programs (programs not available for viewing), are distinguished from shaded programs with a "" (past recorded programs available for viewing), and non-shaded programs with or without "" (available for viewing currently or later on during the broadcast time). Therefore, the purely shaded program here is a specific indicator on program(s) not available for viewing. In both the applicant's system and Rosetti's system, it would require the user to at least be able to recognize and be able to associate a specific indicator to a specific status of the program (available or unavailable for viewing). In the case of Rosseti, this would be the programs that are just shaded without the "".

In view of the current office action and examiner's response, the examiner believes all issues have been addressed, and the limitations are met by the combination of the cited references, and therefore continue to maintain the ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-8, 10-12, 16, 21-28, 30-32, 36, 41-48, 50-52, 56, 61-68, 70-72, and 76** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Rosetti et al. (US 2005/0022242).

Consider **claims 1, 21, 41, and 61**, Young teaches a method, user equipment, system, and machine-readable media for providing a user with program information using an interactive television application (Fig.1, 2, 3, 5) implemented at least partially on user equipment (Fig.22a,b), the user equipment comprising:

a display (TV/monitor 210 - Fig.22a,b);

control circuitry (Fig.22a,b) configured to:

display a list of program listings in a grid format (Fig.1, 2, 3, 5); and

allow the user to move backwards in time, wherein the displayed list, when moved backwards in time (Paragraph 0050; Paragraph 0052 – 0054 teaches that a recorded cell would be shown in a solid red background on the listings. *Therefore, when a*

program is fully recorded, the broadcast of the program is over, making it a program of the past. The user is then able to view listings from the past, present and the future), includes:

at least one listing of a past, previously recorded program that is available for viewing by the user (Paragraph 0052 – 0054 teaches that a recorded cell would be shown in a solid red background on the listings. Therefore, when a solid red background is shown in the cell of a listing, the program is recorded, and the broadcast of the program is over, making it a program of the past), and

at least one cell in the grid corresponding to a listing of a past, unrecorded program, wherein the at least one cell indicates that the past unrecorded program is no longer available for viewing by the user (Paragraph 0052 – 0054 teaches that a recorded cell would be shown in a solid red background on the listings.

Therefore, when a program is fully recorded, the broadcast of the program is over, making it a program of the past. All subsequent program listing cells that are on top and on the bottom of the recorded cell are also past programs. The unrecorded programs do not contain any type of outlining or highlighting, and therefore indicates to the user that they are not recorded and since the broadcast of the program has passed, they are not available for viewing).

Young does not explicitly teach scroll the list backwards in time; wherein the at least one cell includes an indicator that indicates that the past, unrecorded program is no longer available for viewing by the user.

In an analogous art Rosetti teaches, scrolling a list backwards in time (IPG 400 – Fig.4; Paragraph 0029).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Young's system to include scrolling a list backwards in time, as taught by Rosetti, for the advantage of managing vast stores of information available, providing the user direct access and control through a limited number of interactions, allowing the guide to display earlier programs, and providing the user access to program listings presented at various points in time, past, current, and future.

Rosetti further teaches wherein the at least one cell includes an indicator that indicates that the past, unrecorded program is no longer available for viewing by the user (Paragraph 0030 teaches that past programs are shaded {indicator}, where recorded programs are indicated by a “*”. Paragraph 0041 teaches playback of recorded programming content. *Only recorded programs from the past can be played back from the recording source, and unrecorded programs from the past cannot be played back to the user*).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Young and Rosetti to include, wherein

the at least one cell includes an indicator that indicates that the past, unrecorded program is no longer available for viewing by the user, as further taught by Rosetti, for the advantage of allowing the user to easily identify past programs that are unavailable for viewing by the user, allowing them to easily distinguish what programs they can or cannot view, decreasing the burden of the user from having to scan through and interpret multiple listings on a program guide.

Consider **claims 2, 22, 42, and 62**, Rosetti further teaches wherein a displayed list includes at least one video-on-demand program that is available for viewing by a user (Fig.4; Paragraph 0036 teaches selecting a previously recorded program 441-Fig.4 from IPG 400-Fig.4 and playing it. Paragraph 0024, 0037-0038, 0020, 0041 teaches retrieving the video upon request from the user, transmitting the program to the user and presenting the program to the user, and allowing the user to perform trick play functions, i.e., rewinding, pausing, and fast-forwarding).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Young and Rosetti to include wherein a displayed list includes at least one video-on-demand program that is available for viewing by a user, as further taught by Roth, for the advantage of allowing users to view certain programs whenever they desire, and allowing utilization of trick play functions, providing the user with greater flexibility and control.

Consider **claims 3, 23, 43, and 63**, Young and Rosetti teaches at least one of the at least one previously recorded program is stored on a local personal video recorder (Young - Paragraph 0054 teaches a recorded program is displayed in a solid red background. Paragraph 0077 teaches recorded program on a video recorder).

Consider **claims 4, 24, 44, and 64**, Young and Rosetti teach at least one of the at least one previously recorded program (Young - Paragraph 0052 – 0054 teaches that a recorded cell would be shown in a solid red background on the listings. *Therefore, when a solid red background is shown in the cell of a listing, the program is recorded, and the broadcast of the program is over, making it a program of the past*), but do not explicitly teach it is stored on a network-based video recorder.

Rosetti further teaches a previously recorded program stored on a network-based video recorder (Fig.1; Paragraph 0019; Paragraph 0036, 0037).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Young and Rosetti to include a previously recorded program stored on a network-based video recorder, as further taught Rosetti, for the advantage of at a minimum, relieving the user of the burden of any system maintenance or storage upgrade (Rosetti - Paragraph 0019), and allowing users to record and have access to past

programs that might otherwise have been unavailable to clients in locations where there is minimal local storage availability.

Consider **claims 5, 25, 45, and 65**, Young and Rosetti teaches allowing the user to select for viewing a previously recorded program listed in the list (Young - Paragraph 0054; Paragraph 0095, 0131).

Consider **claims 6, 26, 46, and 66**, Young and Rosetti teaches wherein at least one program listed in the list is associated with a visual indicator (Young - Paragraph 0052; 40 – Fig.2, 3), wherein the visual indicator indicates that the associated program is scheduled for recording (Young - Paragraph 0052; 40 – Fig.2, 3).

Consider **claims 7, 27, 47, and 67**, Young and Rosetti teaches wherein at least one program listed in the list is associated with a visual indicator (Young - Paragraph 0054), wherein the visual indicator indicates that the associated program has been recorded (Paragraph 0054).

Consider **claims 8, 28, 48, and 68**, Young and Rosetti teaches wherein at least one program listed in the list is associated with a visual indicator (Young - Paragraph 0052-0053), wherein the visual indicator indicates that the associated program is currently being recorded (Young - Paragraph 0052-0053).

Consider **claims 10, 30, 50, and 70**, Young and Rosetti teaches wherein the allowing the user to scroll the list backwards in time (Rosetti - IPG 400 – Fig.4; Paragraph 0029) comprises displaying a list of previously recorded programs (Young - Paragraph 0052 – 0054 teaches that a recorded program's cell would be shown in a solid red background on the listings. Rosetti – Fig.4; Paragraph 0030 teaches recorded programs are indicated by a “ * ”).

Consider **claims 11, 31, 51, and 71**, Rosetti further teaches wherein a list includes at least one video-on-demand program that is available for viewing by a user (Fig.4; Paragraph 0036 teaches selecting a previously recorded program 441-Fig.4 from IPG 400-Fig.4 and playing it. Paragraph 0024, 0037-0038, 0020, 0041 teaches retrieving the video upon request from the user, transmitting the program to the user and presenting the program to the user, and allowing the user to perform trick play functions, i.e., rewinding, pausing, and fast-forwarding).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Young and Rosetti to include wherein a list includes at least one video-on-demand program that is available for viewing by a user, as further taught by Roth, for the advantage of allowing users to view certain programs whenever they desire, and allowing

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utilization of trick play functions, providing the user with greater flexibility and control.

Consider **claims 12, 32, 52, and 72**, Young and Rosetti teaches wherein the allowing the user to scroll the list backwards in time (Rosetti - IPG 400 – Fig.4; Paragraph 0029) comprises displaying at least one category of previously recorded programs (Young – Paragraph 0076 teaches displaying a menu of previously recorded programs).

Consider **claims 16, 36, 56, and 76**, Young and Rosetti teaches allowing the user to schedule for recording at least one program listed in the list (Young - Paragraph 0052).

5. **Claims 9, 29, 49, and 69** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Rosetti et al. (US 2005/0022242), and further in view of Arsenault et al. (US 6,701,528).

Consider **claims 9, 29, 49, and 69**, Young and Rosetti do not explicitly teach wherein at least one program listed in the list is associated with a visual indicator, wherein the visual indicator indicates that the associated program is a video-on-demand program.

In an analogous art, Arsenault teaches wherein at least one program listed in the list is associated with a visual indicator, wherein the visual indicator indicates that the associated program is a video-on-

demand program (col 9: lines 61-63 teaches a "VOD indicator or other appropriate flag in the program guide...").

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Young and Rosetti to include a visual indicator that indicates that the associated program is a VOD program, as taught by Arsenault, for the advantage of providing the user with a quick visual regarding which programs are VOD content on their programming guide allowing the user to quickly locate VOD content.

6. **Claims 13, 33, 53, and 73** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Rosetti et al. (US 2005/0022242), and further in view of Javed (US 2002/0162112).

Consider **claims 13, 33, 53, and 73**, Young and Rosetti do not explicitly teach wherein at least one program listed in the list is available for viewing for a limited time, the method further comprising allowing the user to extend the time of availability of said program.

In an analogous art, Javed teaches wherein at least one program listed in the list is available for viewing for a limited time (Paragraph 0054 teaches "the VPOP URL may subsequently be used to validate whether the video is still within the rented duration,...". That means the video is only available for viewing for a set amount of time), the method further comprising allowing the user to extend the time of availability of said program (Paragraph 0054 and 0069 teach "if the video's rental duration

has expired", the user is able to "extend the video's rental duration", thereby extending the time the video is available to be viewed).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Young and Rosetti to include a program available for viewing for a limited time, and allowing the user to extend the time of availability of the program, as taught by Javed, for the advantage of allowing for content like new movie releases that in the past was rented in video stores, to be viewed, rented, and renewed without having to walk outside the comforts of home.

7. **Claims 14, 34, 54, and 74** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Rosetti et al. (US 2005/0022242), and further in view of Proehl et al. (US 6,532,589).

Consider **claims 14, 34, 54, and 74**, Young and Rosetti do not explicitly teach allowing the user to set a reminder for at least one program listed in the list.

In an analogous art, Proehl teaches allowing the user to set a reminder for at least one program listed in the list (col 8: lines 59-60 teach that the "user may edit the future scheduled activities..." where the scheduled activities include remind, record, pay per view, etc as taught on col 8: lines 13-20. col 8: lines 41-43 shows that the same scheduled activities on daily planner is the same as the ones shown on the TV planner 900).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Young and Rosetti to include allowing users to set a reminder for at least one program listed in the list, as taught by Proehl, for the advantage of providing a user-friendly system interface that accommodates all users by allowing for scheduled programming information to be presented in a format that is easy-to-read and understand (Proehl - col 1: line 59 – col 2: line 1), and allowing the user to be notified of desired content so that they will not miss programs that they desire to watch.

8. **Claims 15, 35, 55, and 75** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Rosetti et al. (US 2005/0022242), further in view of Proehl et al. (US 6,532,589), and further in view of Yoshinobu (US 5,734,444).

Consider **claims 15, 35, 55, and 75**, Young, Rosetti, and Proehl teaches a reminder was set (Proehl - col 8: lines 59-60 teach that the "user may edit the future scheduled activities..." where the scheduled activities include remind, record, pay per view, etc as taught on col 8: lines 13-20. col 8: lines 41-43 shows that the same scheduled activities on daily planner is the same as the ones shown on the TV planner 900), but do not explicitly teach determining if the user is watching the program.

recording automatically said program if the user is not watching said program.

In an analogous art, Yoshinobu teaches determining if a user is watching a program.

recording automatically said program if the user is not watching said program (Yoshinobu teaches in col 24: lines 51-59 if it is determined that the program is not being watched by the viewer the program is automatically recorded).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Young, Rosetti, and Proehl to record the program when the user is not watching the program for which a reminder is set, as taught by Yoshinobu, for the advantage of enabling the user to watch their desired program without fail, even when the user is not presently watching the program (Yoshinobu - Col 2: lines 30-35).

9. **Claims 17, 19, 37, 39, 57, 59, 77, and 79** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Rosetti et al. (US 2005/0022242), and further in view of Ismail et al. (US 6,614,987).

Consider **claims 17, 37, 57, and 77**, Young and Rosetti do not explicitly teach determining a personal profile based on gathered information relating to the user.

In an analogous art, Ismail determining a personal profile based on gathered information relating to a user (col 4: lines 13-34 teaches a preference database 116 that contains user viewing data that is generated

by the preference agent 110 depending on the amount of time the particular category is watched by the user. The preference database acts as the personal profile of the user while the preference agent is the one that gathers information relating to the viewing data of the user).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Young and Rosetti to determine a personal profile based on gathered information relating to a user, as taught by Ismail, for the advantage of allowing the device to better understand the viewing preference of the user in order to further tailor to the specific needs of unique viewers.

Consider **claims 19, 39, 59, and 79**, Ismail further teaches recording a program, wherein said program is selected based at least in part on the personal profile (Col 4: lines 28-34 teaches recordation and storage of programs according to information from the preference database 116 that functions as the personal profile).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Young, Rosetti, and Ismail to record a program where the selected program is at least in part on the personal profile, as further taught by Ismail, for the advantage of relieving the user from the task of selecting programs to record from a huge amount of potentially hundreds of program selections (Ismail - Col 1: lines 48-50).

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10. **Claims 18, 38, 58, and 78** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Rosetti et al. (US 2005/0022242), further in view of Ismail et al. (US 6,614,987), and further in view of Proehl et al. (US 6,532,589).

Consider **claims 18, 38, 58, and 78**, Young, Rosetti, and Ismail teaches wherein said program is selected based at least in part on the personal profile (Ismail - a personal profile is taught in col 4: lines 13-34 referred to as preference database. Col 4: lines 28-34 teaches that a program can be selected for storage based on data from the preference database), but do not explicitly teach setting a reminder for a program.

In an analogous art, Proehl teaches setting a reminder for a program (Col 8: lines 59-60 teach that the "user may edit the future scheduled activities..." where the scheduled activities include remind, record, pay per view, etc as taught on col 8: lines 13-20. col 8: lines 41-43 shows that the same scheduled activities on daily planner is the same as the ones shown on the TV planner 900).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Young, Rosetti, and Ismail to set a reminder for a program that is selected based at least in part on the personal profile, as taught by Proehl, for the advantage of notifying the user of desirable program that can be watched, alleviating the user from the task of going through programs and manually setting reminders.

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11. **Claims 20, 40, 60, 80, and 81-84** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Rosetti et al. (US 2005/0022242), and further in view of Allport (US 6,483,548).

Consider **claims 20, 40, 60, and 80**, Young and Rosetti teaches wherein the past, unrecorded program is indicated (Paragraph 0052 – 0054 teaches that a recorded cell would be shown in a solid red background on the listings. *Therefore, when a program is fully recorded, the broadcast of the program is over, making it a program of the past. All subsequent program listing cells that are on top and on the bottom of the recorded cell are also past programs. The unrecorded programs do not contain any type of outlining or highlighting, and therefore indicates to the user that they are not recorded and since the broadcast of the program has passed, they are not available for viewing.* Rosetti - Paragraph 0030 teaches that past programs are shaded {indicator}, where recorded programs are indicated by a " * "), wherein the allowing the user to scroll the list backwards in time (Rosetti - IPG 400 – Fig.4; Paragraph 0029) comprises:

Young and Rosetti do not explicitly teach an empty cell indication,

In an analogous art, Allport teaches an empty cell indication (empty cell 5 - Fig.6).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Young and Rosetti to include an empty cell indicator, as taught by Allport, for the advantage of clearly indicating

unavailability so that a user is not confused whether or not a program can be selected/viewed, so they do not waste time selecting an unavailable program.

Allport further teaches determining whether at least one row of the grid consists of empty cells; and collapsing the grid to remove the at least one row of empty cells (Col 7: line 59 – col 8: line 1; Col 9: lines 14-35; Col 10: lines 14-16).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Young and Rosetti to include determining whether at least one row of the grid consists of empty cells; and collapsing the grid to remove the at least one row of empty cells, as further taught by Allport, for the advantage of displaying information in a more compact form, saving more display space, reducing the amount of empty cells and increasing the representational efficiency (Allport- col 4: lines 56-66, col 8: lines 5-7) providing the user with a more visually pleasing and intuitive interface.

Consider **claims 81-84**, Young and Rosetti teaches wherein the past, unrecorded program is indicated (Young - Paragraph 0052 – 0054 teaches that a recorded cell would be shown in a solid red background on the listings. *Therefore, when a program is fully recorded, the broadcast of the program is over, making it a program of the past. All subsequent program listing cells that are on top and on the bottom of the recorded cell*

are also past programs. The unrecorded programs do not contain any type of outlining or highlighting, and therefore indicates to the user that they are not recorded and since the broadcast of the program has passed, they are not available for viewing; Rosetti - Paragraph 0030 teaches that past programs are shaded {indicator}, where recorded programs are indicated by a " * "), wherein the allowing the user to scroll the list backwards in time (Rosetti - IPG 400 – Fig.4; Paragraph 0029), but do not explicitly teach an empty cell indication,

In an analogous art, Allport teaches an empty cell indication (empty cell 5 - Fig.6).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Young and Rosetti to include an empty cell indicator, as taught by Allport, for the advantage of clearly indicating unavailability so that a user is not confused whether or not a program can be selected/viewed, so they do not waste time selecting an unavailable program.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory

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action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Jason Lin

09/17/2008

/Brian T. Pendleton/
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